

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 633**

**Introduced by Senator Ashburn**

February 21, 2003

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An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as amended, Ashburn. Pest control: Pierce's disease.

Existing law generally creates programs and the Pierce's Disease and Glassy-winged Sharpshooter Board in order to eradicate Pierce's disease.

This bill would make legislative findings and declarations regarding the production of grapes in California and the dangers of Pierce's disease to the table grape industry. The bill, the Table Grape Pest and Disease Control District Law, would establish a procedure for the organization, operation, and dissolution of districts to respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack table grapevines, and to collect and disseminate to table grape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations. The bill would set forth a procedure for the formation, consolidation, reauthorization, and dissolution of the districts, and would provide for their powers and duties, including the

power to make assessments for the purposes of the district. The bill would provide for fees to reimburse the county for costs.

By imposing additional duties on county entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 8.7 (commencing with Section 6047.60)  
2 is added to Chapter 9 of Part 1 of Division 4 of the Food and  
3 Agricultural Code, to read:

4

5 Article 8.7. Table Grape Pierce's Disease Pest Abatement  
6 District

7

8 6047.60. The Legislature hereby finds and declares the  
9 following:

10 (a) California is the leading producer of table grapes in the  
11 United States, accounting for 97 percent of table grapes grown in  
12 this country.

13 (b) Table grapes are grown in 15 counties located throughout  
14 the state.

15 (c) California grows more than 170,000 acres of table grapes  
16 producing over 700,000 tons of table grapes per year, valued at  
17 more than eight hundred sixty million dollars (\$860,000,000) with  
18 a direct and indirect impact on the state's economy that totals more  
19 than four billion dollars (\$4,000,000,000).

20 (d) The plant killing bacterium, *Xylella fastidiosa*, and the  
21 resulting pathogen, Pierce's disease, and its vectors, present a clear  
22 and present danger to California's nearly three billion dollar



1 (\$3,000,000,000) grape industry, as well as to many other  
2 commodities and plant life.

3 (e) Pierce's disease and its vector the glassy-winged  
4 sharpshooter have spread into the southern San Joaquin Valley,  
5 which, if left unabated, places grapes and other commodities  
6 throughout California in immediate peril.

7 (f) In addition to the research funds and program provisions set  
8 forth in Article 8 (commencing with Section 6045) of Chapter 9  
9 of Part 1 of Division 4, dealing with wine grapes, the table grape  
10 industry is at substantial risk for Pierce's disease and recognizes  
11 the need for additional specific control programs.

12 (g) Additional programs may include field treatments similar  
13 to, or the expansion of, the successful United States Department  
14 of Agriculture and California Department of Food and Agriculture  
15 General Beale area pilot program in Kern County. The expansion  
16 of those programs may require industry assessments from the table  
17 grape industry through the creation of a pest abatement district.

18 (h) The state has an interest in protecting its agricultural  
19 products from further destruction by the glassy-winged  
20 sharpshooter and Pierce's disease.

21 (i) As a known vector for Pierce's disease, the glassy-winged  
22 sharpshooter has been determined to carry and spread Pierce's  
23 disease to many forms of California agriculture, usually with  
24 complete destruction to the infected crop. This destructive effect  
25 of the disease has been determined by experts in the viticulture  
26 field to be especially true with respect to infected table grapes. To  
27 avoid a potentially catastrophic loss to one of California's most  
28 important industries, the Legislature declares that this article is in  
29 the interest of the public health and welfare. ~~Additionally, this~~  
30 ~~article is not intended to establish a precedent, or to supersede,~~  
31 ~~reduce, or in any way alter government funding related to Pierce's~~  
32 ~~disease and other pests in this state.~~

33 ~~(k)~~

34 (j) This article shall not establish a precedent for, or supercede,  
35 reduce, or in any way alter, government funding from any source  
36 related to Pierce's disease or other pests in this state.

37 ~~(l)~~

38 (k) The Legislature further declares that it is in the interest of  
39 the public health and welfare that the districts authorized to be  
40 created by this article not duplicate existing services already being

1 provided by the University of California, state, counties, or the  
2 county agricultural commissioners to eradicate the glassy-winged  
3 sharpshooter and Pierce's disease.

4 6047.61. This article shall be known and may be cited as the  
5 Table Grape Pest and Disease Control District Law.

6 6047.62. (a) It is the purpose of this article to make available  
7 a procedure for the organization, operation, and dissolution of  
8 districts to respond to the effects of the spread of the glassy-winged  
9 sharpshooter and Pierce's disease, and other pests that attack table  
10 grape plants, and to collect and disseminate to table grape  
11 producers in the district all relevant information and scientific  
12 studies concerning the pest or pests, as well as to chart and  
13 determine the extent and location of any infestations.

14 (b) Division 3 (commencing with Section 56000) of Title 5 of  
15 the Government Code does not apply to districts organized  
16 pursuant to this article.

17 6047.63. Unless the context otherwise requires, the  
18 definitions in this section govern the construction of this article.

19 (a) "Board" or "board of directors" means the board of  
20 directors of a district.

21 (b) "District" means a table grape pest abatement district  
22 organized pursuant to this article.

23 (c) "Owner" includes joint owner, co-owner, guardian,  
24 executor, administrator, or any other person that holds property in  
25 a trust capacity under court appointment.

26 (d) "Pierce's disease" is the pathogen caused by the bacterium  
27 *Xyella fastidiosa*.

28 (e) "Table grapes" means grapes produced that are intended to  
29 be sold in their fresh form.

30 (f) "Table grape acreage" means any parcel of real property  
31 with one or more acres of table grape plants.

32 (g) "Grower" or "producer" means any person who is  
33 engaged within this state in the business of producing, or causing  
34 to be produced, table grapes for market.

35 6047.64. Proceedings for the formation of a district within  
36 any county shall be commenced by a petition that is either of the  
37 following:

38 (a) Signed by 50 percent or more of the table grape growers  
39 who own 65 percent or more of the affected land.

1 (b) Signed by 65 percent or more of the table grape growers  
2 who own 50 percent or more of the affected land.

3 The petition shall be addressed to, and filed with, the board of  
4 supervisors of the county.

5 6047.65. The petition may be filed in sections, each of which  
6 shall comply with all the requirements for a petition, except that  
7 a section need not contain the total number of signatures required  
8 for the petition.

9 6047.66. Signatures to the petition may be withdrawn at any  
10 time before it has been acted upon by filing with the clerk of the  
11 board of supervisors a declaration signed by the petitioner that  
12 states that it is the intention of the petitioner to withdraw his or her  
13 signature from the petition.

14 6047.67. (a) The petition shall state the name of the proposed  
15 district and shall set forth its boundaries or describe the lands to be  
16 included.

17 (b) It is a sufficient designation of the boundaries of a proposed  
18 district to recite that all the table grape acreage in the county that  
19 is to be included in the district, or that all the table grape acreage  
20 in a designated area within the county is to be included in the  
21 district.

22 (c) If either designation is used, the outside boundary of the  
23 area designated is the boundary of the district, and the district shall  
24 include all areas within the outside boundary.

25 6047.68. (a) The petition shall be accompanied by a fee in an  
26 amount established by the board of supervisors as is necessary to  
27 reimburse the county for all costs incurred by it in connection with  
28 the proposed organization of the district and subsequent election.

29 (b) Upon ~~establishing~~ *the establishment of* the district, the  
30 ~~board of supervisors~~ *district* shall reimburse those who provided  
31 the funds specified in subdivision (a) from assessments collected  
32 pursuant to this article.

33 6047.69. (a) Upon the presentation and filing of a petition,  
34 the board of supervisors shall refer the petition to the county  
35 agricultural commissioner for the preparation of a register of  
36 owners of table grape acreage within the proposed district, and for  
37 an investigation and report.

38 (b) The agricultural commissioner shall create a register of all  
39 table grape acreage owners within the proposed district and  
40 specifically describe the net acreage of land devoted to the

1 growing of table grapes by each grower. The commissioner shall  
2 file with the register of table grape growers a report to the board  
3 of supervisors describing the present condition of the  
4 glassy-winged sharpshooter and Pierce's disease infestations and  
5 any proposed control program that may warrant the board of  
6 supervisors proceeding with the organization of the district and  
7 recommendation as to the advisability of creating the district.

8 6047.70. (a) The board of supervisors shall fix a time and  
9 place for a hearing of the petition.

10 (b) The hearing shall not be less than 20 days, or more than 40  
11 days, after the filing of the petition with the board of supervisors.

12 (c) The board of supervisors shall order the county clerk to give  
13 notice of the hearing that will do the following:

14 (1) State the time and place for the hearing that was fixed by the  
15 board of supervisors.

16 (2) State that at the hearing protests will be considered by the  
17 board of supervisors.

18 (3) State that requests in writing for the exclusion of lands  
19 from, or the inclusion of lands in, the proposed district, will be  
20 heard and considered by the board of supervisors.

21 (4) State that the petition is available for inspection at the office  
22 of the clerk of the board of supervisors.

23 (5) Designate the boundaries of the proposed district in  
24 substantially the same way that they are described in the petition.

25 6047.71. Notice of the hearing shall be given by publication  
26 in a newspaper of general circulation published and circulated in  
27 the district.

28 6047.72. The notice shall be published once a week for two  
29 successive weeks prior to the date set for the hearing.

30 6047.73. At the hearing, the report of the county agricultural  
31 commissioner shall be received. Protests may be made orally or in  
32 writing by any person interested in the formation of the proposed  
33 district. Any protest that pertains to the regularity or sufficiency of  
34 the proceedings shall be in writing and shall clearly set forth the  
35 defects to which objection is made. All written protests shall be  
36 filed with the clerk of the board of supervisors on or before the time  
37 fixed for the final hearing. The hearing may be continued from  
38 time to time, not to exceed 60 days.

39 6047.74. At the hearing, any owner of table grape acreage in  
40 the proposed district may present to the board of supervisors a

request, in writing, for the exclusion of that land or any part of that land from the proposed district upon a showing that the land or part of that land will not be benefited by the activities of the proposed district. However, if the excluded land is planted with table grapes, the landowner shall inform the district, in writing, within 30 days of planting. Factors that the board of supervisors may consider in its determination for exclusion, as set forth in an affidavit from the owner of the land, shall include the following:

(a) That the land is not planted to table grapes and will not be so planted in the foreseeable future, as evidenced by an affidavit from the landowner so stating.

(b) That the land has already been surveyed and is free from evidence of Pierce's disease.

(c) That there is no presence of the glassy-winged sharpshooter, its host plants, table grape pests or diseases.

(d) That the table grape plants have been removed from the land and that no living table grape plants remain on the land.

(e) That exclusion of the land, or any part of the land, from the district is unlikely to present a risk of glassy-winged sharpshooter infestation because of the land's distance or isolation from infested geographical regions.

6047.75. If the board of supervisors determines that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to present a new petition covering the same matter. A finding by the board of supervisors in favor of the sufficiency of the petition and notice is final and conclusive against all persons except the state in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district. If the petition is dismissed, that portion of the fee imposed under Section 6047.68 that would have been used to pay for costs of the election shall be refunded.

6047.76. (a) If the board of supervisors determines that the project is feasible and in the interest of the table grape growers of the county, the board of supervisors shall, by order entered in its minutes, declare the district is duly organized under the name designated in the petition for the formation of the district, subject to a majority vote of table grape growers in the district.

(b) The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land



1 pursuant to Section 6047.78, it is a sufficient description of the  
2 territory to describe the boundaries in substantially the same way  
3 as they are described in the petition.

4 (c) A copy of the order certified by the clerk of the board of  
5 supervisors shall be filed with the county clerk and an election  
6 shall be held among the table grape growers registered pursuant to  
7 Section 6047.68, as being in the district.

8 6047.77. (a) Within 60 days of the filing of the supervisors'  
9 declaration that the district is organized, an election among  
10 registered table grape growers shall be conducted.

11 (b) The county clerk shall report the results of the election to  
12 the board of supervisors.

13 (c) If a majority of the eligible votes supports the decision of  
14 the board of supervisors to create a Table Grape Pierce's Disease  
15 Pest Abatement District, the county clerk shall file the board of  
16 supervisors' order and results of the election for the record in the  
17 office of the county recorder.

18 6047.78. (a) In determining the boundaries of the district, the  
19 board of supervisors shall exclude from the district any table grape  
20 acreage that it finds will not be benefited by the proposed project,  
21 pursuant to the facts in Section 6047.74, and it may include in the  
22 district any lands that it finds will be benefited if it also finds it will  
23 be in the interest of the district to include these lands. The inclusion  
24 may be upon application of the owner or, without the owner's  
25 application, upon giving the owner notice of the proposed  
26 inclusion and an opportunity for a hearing on the inclusion.

27 (b) Notice of inclusion shall be mailed, postage prepaid, by the  
28 clerk of the board of supervisors, to the address of the owner of the  
29 land as shown by the last equalized county assessment roll, and to  
30 any person that has filed with the clerk that person's name and  
31 address and description of land in which he or she has either a legal  
32 or equitable interest. The notice shall describe the land proposed  
33 to be included, and shall state the time and place at which  
34 objections to the inclusion will be heard.

35 (c) Any owner of table grape acreage outside of the proposed  
36 district may present to the board of supervisors a request in writing  
37 for inclusion of the acreage in the proposed district.

38 6047.79. Upon the filing of the order of organization and  
39 results of an election of growers, the board of supervisors shall





1 immediately appoint a board of directors of five members to  
2 administer the affairs of the district.

3 6047.80. To be eligible to be a director of the district, a person  
4 shall be an owner of lands included in the district that are devoted,  
5 in whole or in part, to the growing of table grapes.

6 6047.81. Upon his or her appointment, each director shall, in  
7 the manner provided by law, subscribe the oath of office and file  
8 the oath with the county clerk.

9 6047.82. (a) From and after the filing for record of the order  
10 of the board of supervisors declaring the district organized, and  
11 certification from the county clerk that the grower vote upheld the  
12 creation of the district, pursuant to Sections 6047.76 and 6047.77,  
13 and the appointment and qualification of its first board of directors,  
14 the organization of the district is complete. The district shall  
15 operate for a period of five years from the date of its organization,  
16 and shall cease to exist after five years unless the district is  
17 reauthorized the board of supervisors.

18 (b) The board of directors shall hold a public hearing six  
19 months prior to termination of its initial organization or last  
20 reauthorization to determine whether the conditions of the  
21 glassy-winged sharpshooter or Pierce's disease warrant the  
22 reauthorization of the district for an additional five years.

23 (c) The notice of hearing shall state the name of the district and  
24 that consideration is being given to reauthorizing the district for an  
25 additional five years, the boundaries of the district, and the time  
26 and place for the hearing. Notice of the hearing shall be given as  
27 provided in Sections 6047.71 and 6047.72. The board of directors  
28 shall submit the record of the hearing and its recommendation to  
29 the board of supervisors within 90 days of the hearing. The board  
30 of supervisors shall approve or reject the recommendation. If it  
31 rejects the recommendation, the board of supervisors shall return  
32 the report accompanied by its reasons for the rejection to the board  
33 of directors within 30 days of receipt. The board of directors may  
34 thereafter address the reasons for rejection by the board of  
35 supervisors and submit an amended report and new  
36 recommendations for reauthorization for approval or rejection by  
37 the board of supervisors, unless the district has ceased to exist  
38 pursuant to subdivision (a).

39 (d) If the board of supervisors approves the continuation of the  
40 district, the board shall, by an order entered in its minutes, declare

1 the district duly extended subject to a majority vote of table grape  
2 growers in the district. The grower vote shall be held pursuant to  
3 Section 6047.77.

4 6047.83. (a) Immediately after the organization of the  
5 district, the directors shall meet and organize as a board and shall  
6 elect a chairperson, vice chairperson, and secretary from among  
7 their own number.

8 (b) The chairperson shall call and preside at all meetings of the  
9 board, sign all warrants drawn on the county treasurer, and all  
10 contracts and other documents, and the minutes of all meetings at  
11 which the chairperson is present. In case of the chairperson's  
12 absence from a meeting, the vice chairperson shall act as  
13 chairperson pro Tempore. The vice chairperson may sign warrants  
14 in place of the chairperson if the chairperson is absent from a  
15 meeting or unavailable. The secretary shall give notice of and keep  
16 the minutes of all meetings and prepare and have custody of all  
17 records and papers, and have custody of the seal of the district. The  
18 secretary shall attest all warrants drawn on the county treasury, all  
19 contracts and other documents, and shall sign the minutes of all  
20 meetings at which he or she is present. The secretary shall prepare  
21 the annual reports and any other reports required by the board and  
22 shall prepare all notices and all calls for bids.

23 6047.84. The members of the board shall serve for terms of  
24 two years, or for a longer term as determined by the board of  
25 supervisors, and until the appointment and qualification of their  
26 successors.

27 6047.85. Upon the expiration of the term of any member of  
28 the board, the board of supervisors shall appoint the successor.  
29 Vacancies shall be filled by the board of supervisors for the  
30 unexpired term.

31 6047.86. The members of the board shall not receive any  
32 compensation for their services, but may be reimbursed for their  
33 actual and necessary expenses, when claims for those expenses  
34 have been approved by the board.

35 6047.87. (a) The district may do all of the following:

36 (1) Sue and be sued in all actions and proceedings in all courts  
37 and tribunals of competent jurisdiction.

38 (2) Adopt a seal and alter it at pleasure.

39 (3) Accept contributions, and by grant, purchase, gift, devise,  
40 lease, or otherwise, and hold, use and enjoy, and lease, or otherwise

1 dispose of, real and personal property of every kind and  
2 description within or without the district necessary to the full and  
3 convenient exercise of its powers.

4 (4) Cause assessments to be levied on table grapes being grown  
5 in the district to pay obligations of the district incurred to  
6 accomplish the purposes of the district as provided in this article,  
7 which may involve funding all or a portion of a Pierce's disease or  
8 glassy-winged sharpshooter control program.

9 (5) Make contracts, and employ, except as otherwise provided  
10 in this article, all persons, firms, and corporations necessary to  
11 carry out the purposes and the powers of the district, and at any  
12 salary, wage, or other compensation as the board of directors shall  
13 determine.

14 (6) Respond to the effects of, the spread of glassy-winged  
15 sharpshooter and Pierce's disease and collect and disseminate to  
16 table grape growers in the district relevant information and  
17 scientific studies concerning the pest or disease, as well as to chart  
18 and determine the extent and location of any infestations.

19 (7) Take all actions necessary to control, eradicate, remove, or  
20 prevent the spread of the glassy-winged sharpshooter or Pierce's  
21 disease, or other pests injurious to table grapes.

22 (8) With reasonable advance notice in writing to the landowner,  
23 as determined by the district, enter into or upon any land included  
24 within the boundaries of the district for the purpose of inspecting  
25 the grape plants and any other host plants and fruit growing on  
26 these lands.

27 (9) Eradicate, eliminate, remove, or destroy any table grape  
28 plants having evidence of Pierce's disease.

29 (10) Coordinate with the County Agricultural Commissioner  
30 as to the commissioner's taking appropriate actions to have any  
31 ~~table~~ table grape plants growing within the district infested with  
32 Pierce's disease adjudged a public nuisance, and decreed that the  
33 nuisance be abated.

34 (11) Coordinate district activities with other Table Grape  
35 Pierce's Disease Pest Abatement Districts established pursuant to  
36 this article and with the Pierce's Disease and Glassy-winged  
37 Sharpshooter Board established pursuant to Section 6047.3.

38 (12) Perform any and all acts, either within or outside the  
39 district, necessary or proper to fully and completely carry out the  
40 purposes for which the district is organized.



1 (b) The district's administrative costs shall be limited to 5  
2 percent of the annual assessment revenue.

3 6047.88. Every district formed pursuant to this article has all  
4 of the powers prescribed by Section 6047.86 and other provisions  
5 of this article, regardless of any language in the petition for  
6 formation for any district or in any of the proceedings leading to  
7 the formation that would otherwise limit the power of the district.

8 6047.89. The county agricultural commissioner of the county  
9 in which the district is located shall, upon request of the board,  
10 assist the district to the extent possible in all activities undertaken  
11 by the district for the control of glassy-winged sharpshooter and  
12 Pierce's disease.

13 6047.90. The board shall, immediately after its appointment  
14 and after public hearing, formulate an effective plan and adopt a  
15 budget of expenditures for the forthcoming fiscal year. At a public  
16 hearing on the plan and the budget, any owner of table grape  
17 acreage included in the district may make written or oral protest  
18 against the budget or any item in it. The plan and the budget, as  
19 thereafter approved by the board, shall be the plan and the budget  
20 of the district for the forthcoming fiscal year.

21 6047.91. There may be added to the budget for the first fiscal  
22 year of the operation of the district an amount not to exceed 20  
23 percent of the total amount of the budget to cover the preliminary  
24 expenses of the district, including, but not limited to, the costs of  
25 formation, before the beginning of the first fiscal year.

26 6047.92. For each fiscal year subsequent to the first year of  
27 operation of the district, the board shall adopt the final budget in  
28 the same manner and at the same time that the budget for the first  
29 fiscal year was adopted.

30 6047.93. The board of supervisors may charge the district for  
31 actual expenses incurred by the county in connection with the  
32 proceedings for the formation of the district, and the district shall  
33 reimburse the county from assessments levied for those expenses.

34 6047.94. The county assessor, in making the annual  
35 assessment of property included in the district each and every year  
36 after the organization of the district, shall identify any parcel of  
37 real property with one acre or more of table grape plants.

38 6047.95. Whenever acreage within the district is planted with  
39 table grape plants in a fashion so as to qualify as table grape

1 acreage, the acreage is subject to assessment as provided in this  
2 article.

3 6047.96. (a) After the district has been formed, an owner of  
4 table grape acreage in the district may present to the board a  
5 request in writing for the exclusion of that land or any part of the  
6 land from the district upon a showing that the land or part of the  
7 land will not be benefited by the activities of the district. Factors  
8 that the board may consider in its determination for exclusion, as  
9 set forth in an affidavit from the owner of the land, shall include  
10 those specified in Section 6047.74.

11 (b) After receipt of the request, the board shall cause an  
12 investigation of the parcel of land to be made and, if the board  
13 determines that the land or part of the land will not be benefited by  
14 the activities of the district, the board shall exclude the table grape  
15 acreage from the district and immediately certify this fact to the  
16 county assessor and the county auditor or tax collector.

17 (c) Any owner of table grape acreage outside of, or otherwise  
18 not included in, the district may present to the board a request in  
19 writing for inclusion of the land in the district.

20 6047.97. (a) The board shall, on or before the first Monday  
21 in April of each year, or as soon thereafter as possible, file with the  
22 board of supervisors a budget that sets forth all estimated  
23 expenditures of the district for the fiscal year commencing on the  
24 first day of July. A copy of the budget shall also, at the same time,  
25 be filed with the auditor of the county.

26 (b) The board of supervisors may, by ordinance or by  
27 resolution, adopted after notice and a hearing, determine and levy  
28 an assessment for table grape pest and disease control activities for  
29 any of the following purposes:

30 (1) Responding to, managing, and controlling the effects of the  
31 spread of glassy-winged sharpshooter and other pests that attack  
32 table grape plants.

33 (2) Collecting and disseminating to table grape producers in the  
34 district relevant information and scientific studies concerning the  
35 pest or pests.

36 (3) Charting and determining the extent and location of any  
37 Pierce's disease infestations.

38 (4) Reimbursing the county or counties in which the district is  
39 located for expenses incurred in connection with providing  
40 services under this article that are not otherwise reimbursed.

1 (c) The annual assessment shall not exceed fifteen dollars (\$15)  
2 per planted acre.

3 (d) An annual assessment greater than the amount provided for  
4 in this section may not be charged unless a greater assessment is  
5 approved by eligible growers pursuant to subdivisions (a) and (b)  
6 of Section 6047.64.

7 (e) The board of supervisors shall cause to be prepared and filed  
8 with the clerk of the board of supervisors a written report that  
9 contains all of the following information:

10 (1) A description of each parcel of property proposed to be  
11 subject to the assessment.

12 (2) The amount of the assessment of each parcel for the initial  
13 fiscal year.

14 (3) The maximum amount of the assessment that may be levied  
15 for each parcel during any fiscal year.

16 (4) The duration of the assessment.

17 (5) The basis of the assessment.

18 (6) The schedule of the assessment.

19 (7) A description specifying the requirements for written and  
20 oral protests, and the protest threshold necessary for requiring  
21 abandonment of the proposed assessment pursuant to subdivision  
22 (f).

23 (f) Unless otherwise excluded, the assessment shall be levied  
24 on each parcel within the boundaries of the district, zone, or area  
25 of benefit.

26 (g) (1) The legislative body shall comply with the notice  
27 protest, and hearing procedures in Section 53753 of the  
28 Government Code.

29 (2) In addition, the mailed notice shall include the name of the  
30 district, the return address of the sender, the amount of the  
31 assessment for the initial fiscal year, the maximum amount of the  
32 assessment that may be levied during any fiscal year and the name  
33 and telephone number of the person designated by the board of  
34 supervisors to answer inquiries regarding the protest proceedings.

35 6047.98. The assessment authorized to be assessed and levied  
36 is hereby declared to be in the nature of a special assessment, and  
37 the Legislature hereby finds that the owners of all table grape  
38 plants will be benefited by the district to the same extent and in the  
39 same manner regardless of the age of the plants. The assessments

1 authorized by this article shall be assessed and levied regardless of  
2 the age of the table grape plants growing on the land.

3 6047.99. (a) The assessment levied shall be computed and  
4 entered upon the assessment roll by the county auditor, and if the  
5 supervisors fail to levy the assessment as required, the auditor shall  
6 do so.

7 (b) The assessment shall be collected at the same time, and in  
8 the same manner as, and together with and not separate from,  
9 general county taxes, and when collected shall be paid into the  
10 county treasury for the use of the district.

11 6047.100. The general provisions of the laws of this state,  
12 prescribing the requirements for and manner of levying and  
13 collecting county taxes and the duties of the several county officers  
14 with respect to levying and collecting county taxes, are, so far as  
15 they are applicable and not in conflict with the specific provisions  
16 of this article, hereby adopted and made a part of this article. This  
17 article, however, shall operate so as to be compliant with Article  
18 XIII (C) and XIII (D) of the California Constitution, as  
19 incorporated by Proposition 218 of 1996. The several county  
20 officers referred to shall be liable upon their several official bonds  
21 for the faithful discharge of the duties imposed upon them by this  
22 article.

23 6047.101. The revenue from the assessments imposed pursuant  
24 to this article by the district are trust funds and shall be encumbered  
25 only for the purposes for which the district is formed and for the  
26 benefit of the property assessed. The district shall expend the  
27 minimum amount necessary for overhead and other administrative  
28 costs. No district funds shall be donated, loaned, or transferred to  
29 any other local agency or to the state for any purpose, except for  
30 the implementation of the duties of the district, set forth under this  
31 article, as determined to be necessary by the district board.

32 6047.102. (a) The county treasury shall be the repository of  
33 all the moneys of the district. The county treasurer shall receive  
34 and receipt for all those moneys, and place them to the credit of the  
35 district.

36 (b) The county treasurer shall be responsible upon his or her  
37 official bond for the safekeeping and disbursement, in the manner  
38 provided in this article, of all moneys held in the district.

39 6047.103. If a consolidated district includes parts of two or  
40 more counties, the repository of all money of the district shall be



1 the county treasury of the county in which is located the largest  
2 area of table grape acreage of the district. Money collected for the  
3 use of the district in any other county in which a part of the district  
4 is located shall be transferred by the county treasurer upon warrant  
5 of the county auditor of the county in which the money was  
6 collected to the county treasurer of the county serving as repository  
7 for the district, in the same manner as prescribed for the  
8 disbursement of money held for a local district. Money derived  
9 from any county in which the district is located may be expended  
10 in any part of the district for the purposes authorized by this article,  
11 notwithstanding any other provision of law limiting the  
12 expenditure of any money to a specific area or county.

13 6047.104. (a) The county treasurer shall pay out money of  
14 the district only upon warrants of the county auditor drawn upon  
15 the order of the board of directors of the district signed by the  
16 chairperson or vice chairperson and attested to by the secretary.  
17 The county treasurer, with the approval of the board of  
18 supervisors, shall pay out the money of the district upon one master  
19 warrant of the county auditor drawn upon the order of the board  
20 of directors of the district and signed by the chairperson or vice  
21 chairperson and attested to by the secretary, to meet the district's  
22 expenses, including salaries, at intervals approved by the board of  
23 supervisors.

24 (b) The county treasurer shall report, in writing, on the first day  
25 of July, October, January, and March of each year, to the board of  
26 directors, the amount of money the treasurer then holds for the  
27 district, the amount of receipts since the last report, and the  
28 amounts paid out. Each report shall be verified and filed with the  
29 secretary of the district to whom it is addressed.

30 6047.105. Lands devoted exclusively to the growing of table  
31 grapes within a tract of land outside the district, but in the county  
32 in which the district is located, may be annexed to the district in  
33 the same manner provided in this article for the formation of the  
34 district.

35 6047.106. Any two or more districts organized or existing  
36 under this article may be consolidated, whether or not the  
37 boundaries are coterminous, and whether or not the districts are  
38 located in the same county.

39 6047.107. The board of directors may adopt a resolution that  
40 recites the fact of receipt and the willingness of the district to

1 consolidate, and shall then send copies of the resolution to the  
2 board of directors of each of the other districts. The board shall  
3 send a certified copy of the resolution to the board of supervisors  
4 of the county in which is located the largest area of table grape  
5 acreage of the proposed consolidated district, and a copy of the  
6 resolution to the board of supervisors of each of the other counties  
7 in which is located any part of the proposed consolidated district.

8 6047.108. The board of supervisors of the county in which is  
9 located the largest area of table grape acreage of the proposed  
10 consolidated district shall fix a time and place for hearing the  
11 proposal. Notice shall be given and the hearing conducted in the  
12 same manner and with the same effect as prescribed for the  
13 formation of a district pursuant to Sections 6047.70, 6047.71,  
14 6047.72, 6047.73, and 6047.74.

15 6047.109. If the board of supervisors determines that  
16 consolidation is feasible and in the best interests of the table grape  
17 growers of the respective districts, it shall, by resolution duly  
18 adopted, declare the districts consolidated into one district, giving  
19 the consolidated district a name that includes the term  
20 “consolidated.” Certified copies of the resolution shall be filed  
21 with the Secretary of State and with the county recorder of each  
22 county in which is located any part of the consolidated district.  
23 Upon the filing, the districts are consolidated into a single  
24 consolidated district with all the rights, privileges, and powers of  
25 a district. The consolidated district shall succeed to all the funds  
26 and other property, and is subject to all the indebtedness, bonded  
27 and otherwise, of the districts consolidated. Each district that is  
28 included in the consolidated district shall continue in existence for  
29 the purpose of representation on the board of the consolidated  
30 district, and for the purpose of levying, assessing, and collecting  
31 assessments for district purposes. The board of the consolidated  
32 district is, however, the board of each district that is included in the  
33 consolidated district.

34 6047.110. Upon the adoption of a resolution consolidating  
35 two or more districts, the board of supervisors of the county in  
36 which is located the largest area of table grape acreage shall  
37 immediately appoint a board of directors of at least five members,  
38 including at least one member from each of the districts that are  
39 included in the consolidated district, and at least two members  
40 from each county, if districts located in more than one county are

1 included in the consolidated district. If any of the districts that are  
2 included in the consolidated district includes more than 15,000  
3 acres of table grape acreage, the board of directors shall be  
4 increased by one additional director for each 10,000 acres, or  
5 fraction of 10,000 acres, in any one district that is included in the  
6 consolidated district. If the consolidated districts are located in  
7 more than two counties, the board of directors of the consolidated  
8 district shall have at least seven members.

9 6047.111. The board of a consolidated district has all the  
10 duties, powers, purposes, responsibilities, and jurisdiction of the  
11 board of any other district organized pursuant to this article. The  
12 members of the consolidated board shall be appointed in the same  
13 manner and serve for the same term as the directors of any other  
14 district organized pursuant to this article.

15 6047.112. Any district that has been included in a  
16 consolidated district may withdraw from the consolidated district  
17 and be reconstituted as a separate district by filing with the board  
18 of directors of the consolidated district a petition for withdrawal  
19 that is signed by the owners of not less than a majority, by area, of  
20 table grape land in the district. The board of directors of the  
21 consolidated district shall send the original petition to the board of  
22 supervisors of the county in which the withdrawing district is  
23 located, and a copy of the petition to the board of supervisors of  
24 each of the other counties in which is located any part of the  
25 consolidated district. Upon receipt of a petition for withdrawal, the  
26 board of supervisors of the county in which the withdrawing  
27 district is located shall fix a time and place for hearing the petition.  
28 Notice shall be given and the hearing conducted in the same  
29 manner and with the same effect as prescribed for the formation  
30 of a district pursuant to Sections 6047.70, 6047.71, 6047.72,  
31 6047.73, and 6047.74. Upon withdrawal of a district, all moneys  
32 collected from the district for the use of the consolidated district,  
33 and all property purchased with these moneys, shall remain the  
34 property of the consolidated district.

35 6047.113. Upon the filing of a petition with the board of  
36 supervisors that is signed by either (1) 50 percent or more of the  
37 table grape growers who own 65 percent or more of the affected  
38 land or by (2) 65 percent or more of the table grape growers who  
39 own 50 percent or more of the affected land requesting the  
40 dissolution of the district, the board of supervisors shall set a time



1 and place for hearing on the petition, which shall not be less than  
2 20 days, or more than 40 days, after the filing of the petition.

3 6047.114. The board of supervisors shall give notice of the  
4 time and place fixed for the hearing upon the petition for  
5 dissolution.

6 6047.115. The notice of hearing shall state all of the  
7 following:

8 (a) That a petition has been filed requesting the dissolution of  
9 the district.

10 (b) That the petition is available for inspection at the offices of  
11 the board of supervisors.

12 (c) The time and place for the hearing.

13 (d) That at the hearing protests against the dissolution of the  
14 district shall be considered by the board of supervisors.

15 6047.116. Notice of the hearing shall be given by publication  
16 in a newspaper of general circulation published and circulated in  
17 the district.

18 6047.117. The notice shall be published once a week for two  
19 successive weeks prior to the date set for the hearing.

20 6047.118. If, at the hearing, a majority of the board does not  
21 find a compelling reason to override the growers' petition to  
22 dissolve the district, the board of supervisors shall by resolution  
23 dissolve the district.

24 6047.119. The board of supervisors shall cause a certified  
25 copy of the resolution to be recorded in the office of the county  
26 recorder and shall file a certified copy of it with the Secretary of  
27 State. Thereupon, the district is dissolved for all purposes.

28 6047.120. Upon dissolution, the right, title, and interest to  
29 property owned or controlled by the district that is situated within  
30 the corporate limits of any city shall vest absolutely in the city. If  
31 the property is situated outside the corporate limits of a city, it shall  
32 vest in the county in which the property is situated.

33 6047.121. The board of supervisors is ex officio the  
34 governing body of the dissolved district. It may levy assessments  
35 and perform other acts solely for the purpose and as may be  
36 necessary to wind up the affairs of the district and to raise money  
37 for the payment of any outstanding indebtedness.

38 6047.122. All claims and accounts against the district that  
39 have not been settled by the board within 90 days after the  
40 resolution is recorded pursuant to Section 6047.119 shall be

1 presented to the board of supervisors of the county in which the  
2 district was located, or in the case of a consolidated district to the  
3 board of supervisors of the county in which is located the largest  
4 area of table grape acreage, and shall be passed and approved by  
5 the board of supervisors in the same manner as county claims and  
6 shall be paid out of the funds of the dissolved district.

7 6047.123. If there are insufficient funds to discharge all  
8 claims and accounts brought pursuant to Section 6047.122, the  
9 board of supervisors shall, at the time of levying the next general  
10 county taxes, levy a special assessment upon the net acreage  
11 devoted to the growing of table grapes that benefited from the  
12 dissolved district in an amount sufficient to discharge all  
13 outstanding claims and accounts against the district. In the case of  
14 a consolidated district, the board of supervisors of each county in  
15 which a portion of the district is located shall levy a special  
16 assessment based upon the ratio that the proportion of outstanding  
17 claims and accounts bears to the net acreage of the district in each  
18 county.

19 6047.124. Owners of wine grapes and raisin grapes and any  
20 other commodities may petition to become subject to any district  
21 established pursuant to this article. The petition shall adhere to all  
22 the requirements of this article and shall require the approval of the  
23 board of directors of the affected district.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 a local agency or school district has the authority to levy service  
27 charges, fees, or assessments sufficient to pay for the program or  
28 level of service mandated by this act, within the meaning of  
29 Section 17556 of the Government Code.

30 SEC. 3. This act is an urgency statute necessary for the  
31 immediate preservation of the public peace, health, or safety  
32 within the meaning of Article IV of the Constitution and shall go  
33 into immediate effect. The facts constituting the necessity are:

34 The spread of the glassy-winged sharpshooter and Pierce's  
35 disease threatens the economic viability of the table grape  
36 industry. Because the immediate establishment of a pest control  
37 district pursuant to this article is necessary to avoid severe  
38 economic loss, it is necessary that this act take effect immediately.